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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA
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11 ERIC WHEELER,) 1:12cv00861 LJO DLB PC
12 Plaintiff,)
13 vs.) ORDER DENYING PLAINTIFF'S
14 ALISON, et al.,) MOTION TO EXTEND DISCOVERY
15 Defendants.) DEADLINE
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17) (Document 163)
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Plaintiff Eric Wheeler (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). The action is currently in discovery and Plaintiff’s October 20, 2014, motion to compel is pending.

On October 27, 2014, Plaintiff filed a motion in which he explains that he was transferred to Mule Creek State Prison on October 23, 2014. As a result, he states that he will be without his legal property for weeks and will not be able to meet the November 19, 2014, discovery deadline.

Modification of the pretrial scheduling order requires a showing of good cause. Fed. R. Civ. P. 16(b)(4). “The schedule may be modified ‘if it cannot reasonably be met despite the diligence of the party seeking the extension.’” Zivkovic v. Southern California Edison Co., 302

1 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson v. Mammoth Recreations, Inc., 975 F.2d 604,
2 607 (9th Cir. 1992)). “If the party seeking the modification ‘was not diligent, the inquiry should
3 end’ and the motion to modify should not be granted.” Id.

4 Discovery in this action has been open since January 17, 2014. At this stage, the Court
5 will not extend the deadlines based solely on Plaintiff’s belief that his transfer will cause delays.
6 While the Court recognizes that transfers often cause delays in receiving property, the Court will
7 not extend deadlines absent a specific reason for doing so.

8 Plaintiff also requests additional time to “respond” to his motion to compel, but any reply
9 will not be due until seven (7) days after Defendants’ opposition. Plaintiff filed his motion on
10 October 20, 2014, and Defendants’ opposition is not due until on or about November 10, 2014.
11 If an extension is still necessary after Defendants file their opposition, Plaintiff may request one
12 at that time.

14 Accordingly, Plaintiff’s motion is DENIED WITHOUT PREJUDICE.
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16 IT IS SO ORDERED.

17 Dated: November 6, 2014

/s/ Dennis L. Beck

18 UNITED STATES MAGISTRATE JUDGE
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